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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,977	02/05/2004	Jeffrey L. Young	10872.0148.D	5187
23369	7590	11/03/2005	EXAMINER	
HOWREY LLP C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DRIVE, SUITE 200 FALLS CHURCH, VA 22042-7195			HEWITT, JAMES M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/772,977	Applicant(s) YOUNG ET AL.	
	Examiner James M. Hewitt	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/11/05 & 8/22/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 8-12 and 22-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8-12 and 22-33 is/are rejected.
- 7) ☒ Claim(s) 34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings received on 5/11/05 are acceptable.

### *Claim Objections*

Claims 11-12 and 23-35 are objected to because of the following informalities:

In claim 11 line 3, the phrase "attached to a hose connector" should be inserted after "connection end".

In claim 11 line 4, the phrase "connection end of" should be deleted.

In claim 11 line 4, "connector" should be inserted after "hose".

It is the hose connector and not the hose that includes a locking element.

In claim 23 line 1, "connector" should be inserted after the first instance of "hose".

In claim 24 line 1, "connector" should be inserted after "hose".

In claim 24 line 1, "a second" should be replaced with "the second".

In claim 24 line 2, "connector" should be inserted after "hose".

It is the hose connector and not the hose that includes a locking element.

In claim 28 line 1, "connector" should be inserted after the first instance of "hose".

In claim 29 line 1, "connector" should be inserted after "hose".

In claim 29 line 2, "connector" should be inserted after "hose".

It is the hose connector and not the hose that includes a locking element.

In claim 32 line 9, the phrase "attached to a hose connector" should be inserted after "connection end".

In claim 32 line 9, "connection end" should be replaced with "hose connector".

In claim 33 line 1, "the connector" lacks antecedent basis.

It is the hose connector and not the hose that includes a locking element.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 8-10 depend from claim 1, which requires the adapter second end to have a first locking element that engages a second locking element attached to the hose receptacle. Claim 1 corresponds the embodiment depicted in Figure 15, wherein the second end of the adapter includes a locking handle having a tooth for engaging a

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post traversing a U-shaped casing on the hose receptacle. Claims 8-10 require the adapter second end to include the U-shaped casing and post. There is no adequate support for such in the original disclosure. The Examiner suggests amending claims 8-10 to recite that the first locking element (on the adapter) includes a locking handle having a tooth, or to recite that the second locking element (on the hose receptacle) includes a post and U-shaped casing.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,702,332. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claim 11 and claims 1 and 2, lies only in that the first locking element comprises the post and U-shaped casing and the second locking element comprises the locking handle and tooth instead of vice

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versa. It is considered obvious to dispose the post and U-shaped casing on the hose and the locking handle and tooth on the adapter, since it has been held that a mere reversal of essential working parts of a device involves only routine skill in the art.

Note that amending claim 11 as suggested in the above-noted objections (see ***Claim Objections*** above) would obviate this rejection.

Applicant is advised that should claim 28 be found allowable, claim 25 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-24, 26-27 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Keane (US 4,618,195).

With respect to claim 22 and with particular reference to Figure 3, Keane discloses a method for converting a friction-based hose receptacle (12) to a locking

hose receptacle, comprising permanently attaching to the friction-based hose receptacle an adapter (14) comprising: a first end comprising a connector (projection received in a groove on the interior of the hose 12) for permanently attaching the adapter to the hose receptacle such that when so attached the friction-based hose receptacle is converted into a locking hose receptacle (via the opposite end of the adapter 14); a second end comprising a first locking element (e.g. 28) adapted to selectively engage a second locking element (e.g. 26) to establish a locking relationship.

With respect to claim 23 and with particular reference to Figure 3, Keane discloses an adapter (14) comprising: a first end comprising a connector (e.g. 28, projection received in a groove on the interior of the hose 12) and a second end comprising a first locking element (e.g. 28 or projection received in a groove on the interior of the hose 12) adapted to selectively engage a second locking element (26 or groove on the interior of the hose) to establish a locking relationship.

With respect to claim 24, wherein the hose comprises the second locking element, such that the hose is selectively connectable to the second end of the adapter in a locking relationship.

With respect to claim 26, wherein the first locking element comprises a post (27) for interlocking with the second locking element.

With respect to claim 27, wherein the second element comprises a locking handle (21) having a tooth (22) for engaging the post.

With respect to claim 32 and with particular reference to Figure 3, Keane discloses a hose system comprising an adapter (14) comprising first and second ends,

the first end comprising a connector (28) and a second end comprising a first locking element (projection received in a groove on the interior of the hose 12) adapted to selectively engage a second locking element (groove on the interior of the hose 12) to establish a locking relationship; and a hose comprising a connection end, the connection end comprising the second locking element.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-10, 25, 28-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keane (US 4,618,195) in view of Law et al (US 5,346,264).

With respect to claims 1, 8-10, 25, 28 and 33, in Figure 3, Keane discloses an adapter comprising a first end and a second end having a first locking element (U-shaped casing 45 having a post 32 traversing the casing) adapted to selectively engage a second locking element (33) attached to the hose receptacle to establish a locking relationship. The first end of Keane's adapter includes a projection that engages a groove on the interior of the corrugated hose to lockingly engage the hose. Law et al teach a hose coupling device utilizing a plurality of flaps (e.g. 15) disposed on an adapter of coupler to lockingly secure a corrugated hose. In view of Law et al's teaching, it would have been obvious to one having ordinary skill in the art at the time



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the invention was made to modify Keane's projection with a plurality of flaps in order to better secure and retain the corrugated hose.

With respect to claims 30 and 31, wherein the first locking element comprises a post (27) for interlocking with the second locking element and wherein the second element comprises a locking handle (21) having a tooth (22) for engaging the post.

### ***Conclusion***

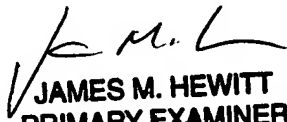
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JAMES M. HEWITT**  
**PRIMARY EXAMINER**